IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 5908 (SS) of 2001
WPSS/1474/1993

Kumari Rama Lohani,
D/o of Sri V.P. Lohani,
R/o Tamplton College,
Tallital,
District – Nainital. **……Petitioner.**

Versus

1. District Registrar (ADM, Finance and Revenue), Nainital.
2. The IG (Registration), U.P. Allahabad.
3. The State of U.P. through Secretary, Institutional Finance, Lucknow.

……..Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri A.D. Tripathi, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder, for State of Uttarakhand on behalf of the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. *Issue a writ order or direction in the nature of Certiorari quashing the order of District Registrar, dated 18.04.1991 (Annexure 2 to this petition)*
b. *Issue a writ, order or direction in the nature of mandamus requiring the respondents to permit the petitioner to join her post of Registration Clerk in pursuance of the order (Annexure 1) at the earliest.*
c. *Issue any other, writ order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.*
d. *Award the cost of writ petition to the petitioner.*

The stand of the petitioner is that petitioner was appointed as Registration Clerk vide order dated 06.02.1991 and the selection of the petitioner was made by Selection Committee.

Vide order dated 18.04.1991, petitioner was informed that under Telex dated 08.02.1991 from Government, the Inspector General has become the Appointing Authority and therefore, it was not possible to appoint her.

Similarly, situated person namely Sri Deep Chandra Pandey, who was selected along with the petitioner, was also not permitted to join on the post, after issuing appointment order.

Learned counsel for the petitioner has submitted that petitioner as well as Deep Chandra Pandey, filed writ petition in Allahabad High Court. An interim order was passed by the Allahabad High Court on 21.05.1993 in favour of the petitioner. In pursuance to the interim order, petitioner is still working in the department since 1993. Sri Deep Chandra Pandey, who also got interim order from Allahabad High Court, is still working as Registration Clerk and is getting annual increments.

Now, the grievance of the petitioner is that she has been working since 1993 but she is not getting annual increments.

In these circumstances, I deem it fit and proper to direct the petitioner to make representation before the appropriate authority for redressal of her grievance and the Authority concerned is directed to take decision within a period of three weeks from the date of production of certified copy of this order along with representation. While considering the representation the authority concerned may consider the fact

that Sri Deep Chandra Pandey, who is on the same footing, is getting annual increment, as alleged by the petitioner.

With this direction the writ petition as well as all the pending applications are disposed of. No order as to costs.

(M.M. Ghildiyal, J)

June 8, 2007
SKSHARMA